

EXHIBIT E-1

EDMUND G. BROWN JR.
Attorney General of the State of California
DAVID S. CHANEY
Chief Assistant Attorney General
FRANCES T. GRUNDER
Senior Assistant Attorney General
ROCHELLE C. EAST
Supervising Deputy Attorney General
LISA A. TILLMAN, State Bar No. 126424
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 327-7872
Fax: (916) 324-5205
Email: Lisa.Tillman@doj.ca.gov

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

2:90-cv-00520 LKK JFM P

**DEFENDANTS' EX PARTE
MOTION, WITH
DECLARATION OF DEBORAH
HYSEN, [PROPOSED] ORDER
RE: EXTENSION OF TIME
FOR DEFENDANTS'
RESPONSE TO COURT ORDER
OF APRIL 17, 2007.**

I.

INTRODUCTION

In December 2005, Defendants provided this Court with an amended long-term plan for the provision of mental health beds. The plan centered around the development of consolidated care centers for mental and medical health services and the departure of the Department of Mental Health (DMH) as a provider of inpatient mental health services. On April 17, 2007, this Court directed Defendants to file a supplemental report by June 15, 2007.

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DEF. REQUEST EOT

1 Defendants now ask for a sixty-day extension of that deadline.

2 **II.**

3 **FACTUAL AND PROCEDURAL BACKGROUND**

4 This Court entered orders requiring Defendants to engage in short and long-term bed
5 planning. (Orders, 3/3/06, 5/2/06, 10/20/06.) Defendants' efforts culminated in the filing of an
6 amended long-term bed plan on December 19, 2006. (Def. Filing, 12/19/06.) After receipt of
7 Special Master Keating's report on the amended long-term bed plan, Defendants filed additional
8 information about the plan. (Def. Filing, 2/27/06.) On April 17, 2007, this Court ordered,
9 "By June 15, 2007, Defendants shall file a supplemental report which addresses two issues:
10 CDCR's relationship with DMH and CDCR's consolidation plan."

11 On or about April 26, 2007, AB 900 became law. On May 11, 2007, Governor
12 Schwarzenegger established the Facilities Construction Strike Team, and named Deborah Hysen
13 as its lead.

14 Defendants' counsel sought and was unable to obtain a stipulation to this sought
15 extension. (Dec. Tillman, ¶¶ 3, 4.)

16 **III.**

17 **LEGAL ARGUMENT**

18 Defendants request additional time to plan the key components of the bed plan--
19 staffing and consolidation with the Receiver--within the new context of AB 900 and the
20 Governor's Facilities Construction Strike Team.

21 On April 26, 2007, the Legislature approved AB 900 and so provided for the
22 construction of 40,000 prison beds, including much-needed mental health beds and
23 approximately 13,000 new jail beds. (Dec. Hysen, ¶ 3.) Just two weeks after the passage of AB
24 900, the Governor created the Facilities Construction Strike Team to implement AB 900. (*Id.*,
25 ¶ 3.) The Facilities Construction Strike Team will review this legislation carefully to ensure
26 appropriate application to multiple classes, including the *Coleman* inmate-patients. (*Id.*, ¶ 6.)
27 The preliminary work of the strike team has begun, with a review of Defendants' long-range
28 mental health bed plan. (*Id.*, ¶ 8.) The space plans submitted in the *Plata* and *Perez* cases will

1 also have to be reviewed. (*Id.*) The strike team's mission is to create an overall strategy for
2 implementing AB 900 and complying with outstanding court orders. (*Id.*) For instance, the use
3 of the Governor's emergency powers to facilitate the construction of needed bed and treatment
4 space will be considered. (*Id.*) Defendants request additional time in order to establish the
5 organizational capacity, systems, personnel and resources within the CDCR's facility operations
6 to meet the requirements of AB 900 in order to support the construction, staffing, and
7 consolidation envisioned in Defendants' long-term bed plan. (*Id.*, ¶ 10.)

8 IV.

9 CONCLUSION

10 Defendants respectfully request a sixty-day extension of the deadline for the
11 supplemental report in order to lay the groundwork provided by AB 900 and the Facilities
12 Construction Strike Team and so ensure effective development and administration of the
13 submitted mental health bed plan.

14 Dated: June 13, 2007

15 Respectfully submitted,

16 EDMUND G. BROWN JR.
Attorney General of the State of California

17 DAVID S. CHANEY
Chief Assistant Attorney General

18 FRANCES T. GRUNDER
Senior Assistant Attorney General

19 ROCHELLE C. EAST
Supervising Deputy Attorney General

20
21
22 /s/ Lisa A. Tillman

23 LISA A. TILLMAN
24 Deputy Attorney General
25 Attorneys for Defendants

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EXHIBIT E-2

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DAVID S. CHANEY
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 TRACY S. HENDRICKSON
Supervising Deputy Attorney General
5 LISA A. TILLMAN, State Bar No. 126424
Deputy Attorney General
6 1300 I Street, Suite 125
P.O. Box 944255
7 Sacramento, CA 94244-2550
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8 Fax: (916) 324-5205
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9 Attorneys for Defendants

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14
15 **RALPH COLEMAN, et al.,**

16 Plaintiffs,

17 v.

18 **ARNOLD SCHWARZENEGGER, et al.,**

19 Defendants.

2:90-cv-00520 LKK JFM P

**DECLARATION OF LISA
TILLMAN IN SUPPORT OF
DEFENDANTS' REQUEST
FOR AN EXTENSION OF
TIME RE: DEFENDANTS'
RESPONSE TO COURT
ORDER OF APRIL 17, 2007**

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21 I, Lisa Tillman, declare:

22 1. I am an attorney licensed by the State of California and admitted to practice before
23 the United States District Court of California, Eastern District.

24 2. I have personal knowledge of the facts stated in this declaration and if called to
25 testify upon those facts would do so competently.

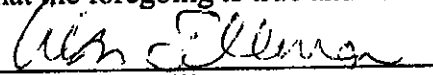
26 3. On June 6, 2007, I sent an email to Plaintiffs' counsels Ivan Trujillo and Michael
27 Bien requesting a stipulation to a sixty day extension of the deadline for the plan required by this
28 Court's order of April 17, 2007. I asked for a response by June 8, 2007.

DEF. EOT, DEC. TILLMAN

1 4. Plaintiffs' counsels have indicated that they are not willing to stipulate to this
2 requested extension.

3 I declare under the penalty of perjury that the foregoing is true and correct.

4 Dated: June 13, 2007

By: 
Lisa Tillman

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EXHIBIT E-3

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DAVID S. CHANEY
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 ROCHELLE C. EAST
Supervising Deputy Attorney General
5 LISA A. TILLMAN, State Bar No. 126424
Deputy Attorney General
6 1300 I Street, Suite 125
P.O. Box 944255
7 Sacramento, CA 94244-2550
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8 Fax: (916) 324-5205
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15 **RALPH COLEMAN, et al.,**

16 Plaintiffs,

17 v.

18 **ARNOLD SCHWARZENEGGER, et al.,**

19 Defendants.
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2:90-cv-00520 LKK JFM P

**DECLARATION OF DEBORAH
HYSEN IN SUPPORT OF
DEFENDANTS' REQUEST FOR
AN EXTENSION OF TIME RE:
DEFENDANTS' RESPONSE TO
COURT ORDER OF APRIL 17,
2007**

21 I, Deborah Hysen, declare as follows:

22 1. I am currently the lead member of the Facilities Construction Strike Team, which
23 was established by Governor Schwarzenegger on May 11, 2007. I was appointed to the position
24 of Chief Deputy Secretary of Facility Planning, Construction and Management for the California
25 Department of Corrections and Rehabilitation on June 8, 2007.

26 2. I have personal knowledge of the facts stated in this declaration and if called to
27 testify upon those facts would do so competently.

28 ///

DEF. EOT, DEC. HYSEN

1 3. The Facilities Construction Strike Team was created in response to Assembly Bill
2 900 (AB 900). AB 900, otherwise known as the Public Safety and Offender Rehabilitation
3 Services Act, provides a historic opportunity for the California Department of Corrections and
4 Rehabilitation (CDCR) to fundamentally alter its practices and methodologies for the
5 incarceration, development, treatment, and parole of its inmates.

6 4. As the appointed leader of the Facilities Construction Strike Team, it will be my
7 primary responsibility to develop a complete set of strategies to meet all of the complex real
8 estate requirements of AB 900. I have spent over twenty years in both the private and public
9 sector arena managing the entire spectrum of real estate services. As the former Assistant
10 Deputy and later Acting Deputy of Real Estate for the Department of General Services (DGS), I
11 was responsible for the day-to-day operations of over 20,000,000 square feet of state-owned
12 and/or leased property located throughout California; supervision of over 2,000 employees; and
13 management oversight, policy recommendations, and fiduciary control over an annualized capital
14 outlay workload of \$5 billion. Later, acting in the capacity of DGS's Chief Deputy Director, I
15 oversaw and guided the activities of the Division of the State Architect, the Office of Public
16 School Construction, and the radio network infrastructure for the State's Telecommunications
17 Division.

18 My real estate expertise as it pertains to the objectives of AB 900 include coordinating
19 new construction, managing renovations involving major and minor capital outlays, supervising
20 planning and programming, overseeing operations and maintenance, conducting feasibility
21 analyses, participating in lease negotiations and land acquisition, assisting in bond document
22 preparation, drafting various regulations and legislation, and managing community involvement.

23 5. The Facilities Construction Strike Team includes experts in public facility
24 construction, correctional facility planning and construction management, correctional facility
25 financing, inmate and staff security and programming. The Facilities Construction Strike Team
26 will restore CDCR's major project management capability and will work to expedite the
27 construction of the in-fill, re-entry, medical/mental health, and county jail beds authorized by
28 AB 900.

1 6. The Facilities Construction Strike Team will review this legislation carefully to
2 ensure appropriate application to multiple classes, including the *Coleman* inmate-patients.

3 7. The Facilities Construction Strike Team will meet with CDCR executives weekly
4 and aggressively create and implement the capacity to manage the design, construction, and
5 opening of these beds, on schedule. Moreover, expediting construction will include waiving
6 state laws, as needed, pursuant to the Governor's Emergency Proclamation.

7 8. Under my direction, the Facilities Construction Strike Team has commenced its
8 work, including meeting with CDCR executives and the *Plata* Receiver. The Team has reviewed
9 the *Coleman* bed plan and will review the bed and space plans for the *Plata* and *Perez* cases in
10 order to meet the Team's objective of implementing AB 900 in compliance with outstanding
11 court orders. The scope of these plans is being reviewed for sufficiency to meet that objective.
12 Timelines are being analyzed for acceleration opportunities, including the application of design-
13 build authority and the feasibility of using the Governor's emergency powers to facilitate the
14 construction of needed bed and treatment space.

15 9. I am aware that this Court has directed Defendants to submit a supplemental
16 report, by June 15, 2007, on the amended long-range mental health bed plan. The supplemental
17 report must addresses two issues: CDCR's relationship with DMH and CDCR's consolidation
18 plan.

19 10. I believe Defendants' supplemental report should not be submitted before the
20 establishment of the organizational capacity, systems, personnel and resources within the
21 CDCR's facility operations to meet the requirements of AB 900 and the Governor's Facilities
22 Strike Team, necessary to support the construction, staffing and consolidation envisioned in
23 Defendants' long-term bed plan.

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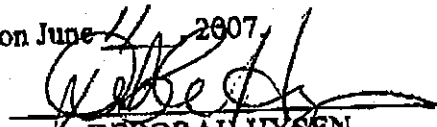
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1 11. I therefore request an additional sixty days to provide this Court with the
2 supplemental report required by the April 17, 2007 court order.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed at Sacramento, California, on June 4, 2007.

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7 DEBORAH HYSEN

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DEF. EOT, DEC. HYSEN